

REMARKS

Claims 1, 2 and 4 are pending in this application. By this Amendment, claims 1 and 2 are amended and claim 3 is cancelled. Support for the amendments to claims 1 and 2 can be found, for example, in original claims 1 and 2. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (b) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-4 under 35 U.S.C. §102(b) over U.S. Patent No. 6,217,176 to Maekawa ("Maekawa"). By this Amendment, claim 3 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 recites "[a]n anti-dazzling film, comprising: a transparent substrate film; and an anti-dazzling layer provided on one side of the transparent substrate film; wherein: the anti-dazzling layer comprises an ionizing radiation-curable resin and transparent fine particles; and the transparent fine particles satisfy ... $2.0\ \mu\text{m} \leq d_{50\%} \leq 5.0\ \mu\text{m}$ [and] ... $0.5\ \mu\text{m} \leq (d_{84\%} - d_{16\%})/2 \leq 1.2\ \mu\text{m}$..." (emphasis added). Claim 2 recites "[a]n anti-dazzling film ... the transparent fine particles satisfy ... $3.5\ \mu\text{m} \leq d_{50\%} \leq 5.0\ \mu\text{m}$ [and] ... $0.8\ \mu\text{m} \leq$

$(d84\% - d16\%)/2 \leq 1.0 \mu\text{m}$..." (emphasis added). Maekawa does not teach or suggest such an anti-dazzling films.

The Office Action asserts that Maekawa discloses an antiglare film including a transparent substrate film and an antiglare layer including a light transparent resin and two or more types of light transparent fine particles. The Office Action further asserts that the fine particles of Maekawa have particle diameters of from 1 to 5 microns. Notwithstanding these assertions, Maekawa does not anticipate and would not have rendered obvious the anti-dazzling films of claims 1 and 2.

Claim 1 requires that the recited fine particles have particle sizes that satisfy the formulae (a) $2.0 \mu\text{m} \leq d50\% \leq 5.0 \mu\text{m}$ and (b) $0.5 \mu\text{m} \leq (d84\% - d16\%)/2 \leq 1.2 \mu\text{m}$. Claim 2 requires that the recited fine particles have particle sizes that satisfy the formulae (a) $3.5 \mu\text{m} \leq d50\% \leq 5.0 \mu\text{m}$ and (b) $0.8 \mu\text{m} \leq (d84\% - d16\%)/2 \leq 1.0 \mu\text{m}$. It is undisputed that particle sizes meeting the formulae recited in claims 1 and 2 are not explicitly taught or suggested by Maekawa. In describing the disclosure of Maekawa, the Office Action states "[t]he particle diameter is not less than 1 micron and not more than 5 microns (hence the particle size distribution represented by Formula I and II is met)." *See* Office Action, page 2. In this statement, the Office Action appears to assert that a range of particle diameters of from 1 to 5 microns inherently meets the formulae recited in claim 1 (and, presumably, claim 2). As is well established, "[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *See* MPEP §2112.IV (citing *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999)).

The Office Action provides no explanation or evidence that would support the assertion that a range of particle diameters of from 1 to 5 microns would necessarily satisfy

the formulae recited in claims 1 and 2. The disclosure of Maekawa, rather, tends to show that a range of particle diameters of from 1 to 5 microns would not necessarily satisfy the formulae recited in claim 1. While Maekawa discloses that two or more types of fine particles having particle sizes between 1 and 5 microns should be used (*see* column 2, lines 45 to 47, 63 to 65), Maekawa also explicitly states that the two or more fine particles should be "monodisperse organic fine particles or inorganic fine particles" (*see* column 4, lines 39 to 41). Monodisperse particles are substantially uniform in particle size. Accordingly, the disclosure of Maekawa would encompass the use of two different types of monodisperse particles having, e.g., a particle size of 1 micron. Such a combination of particles would yield a sharp distribution of particle size that would not meet the formulae of claims 1 and 2. Contrast such a sharp particle size distribution with the broader distribution shown, for example, in FIG. 5 of the instant application. Accordingly, a range of particle diameters of from 1 to 5 microns may or may not satisfy the formulae recited in claims 1 and 2.

As a range of particle diameters of from 1 to 5 microns does not necessarily satisfy the formulae recited in claims 1 and 2, a combination of particles meeting the formulae is not inherent in the teachings of Maekawa. As Maekawa neither explicitly nor inherently teaches or suggests fine particles having particle sizes that satisfy the formulae (a) $2.0\ \mu\text{m} \leq d_{50\%} \leq 5.0\ \mu\text{m}$ and (b) $0.5\ \mu\text{m} \leq (d_{84\%} - d_{16\%})/2 \leq 1.2\ \mu\text{m}$ or fine particles having particle sizes that satisfy the formulae (a) $3.5\ \mu\text{m} \leq d_{50\%} \leq 5.0\ \mu\text{m}$ and (b) $0.8\ \mu\text{m} \leq (d_{84\%} - d_{16\%})/2 \leq 1.0\ \mu\text{m}$, Maekawa does not teach or suggest each and every feature of claims 1 and 2.

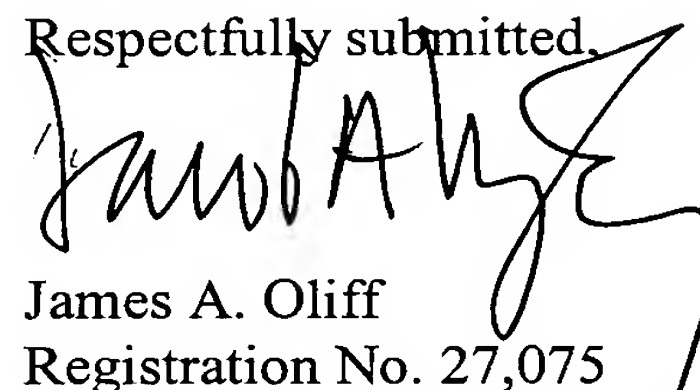
Claims 1 and 2 are not anticipated by Maekawa. Claim 4 depends from claim 1 and, thus, also is not anticipated by Maekawa. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2 and 4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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